

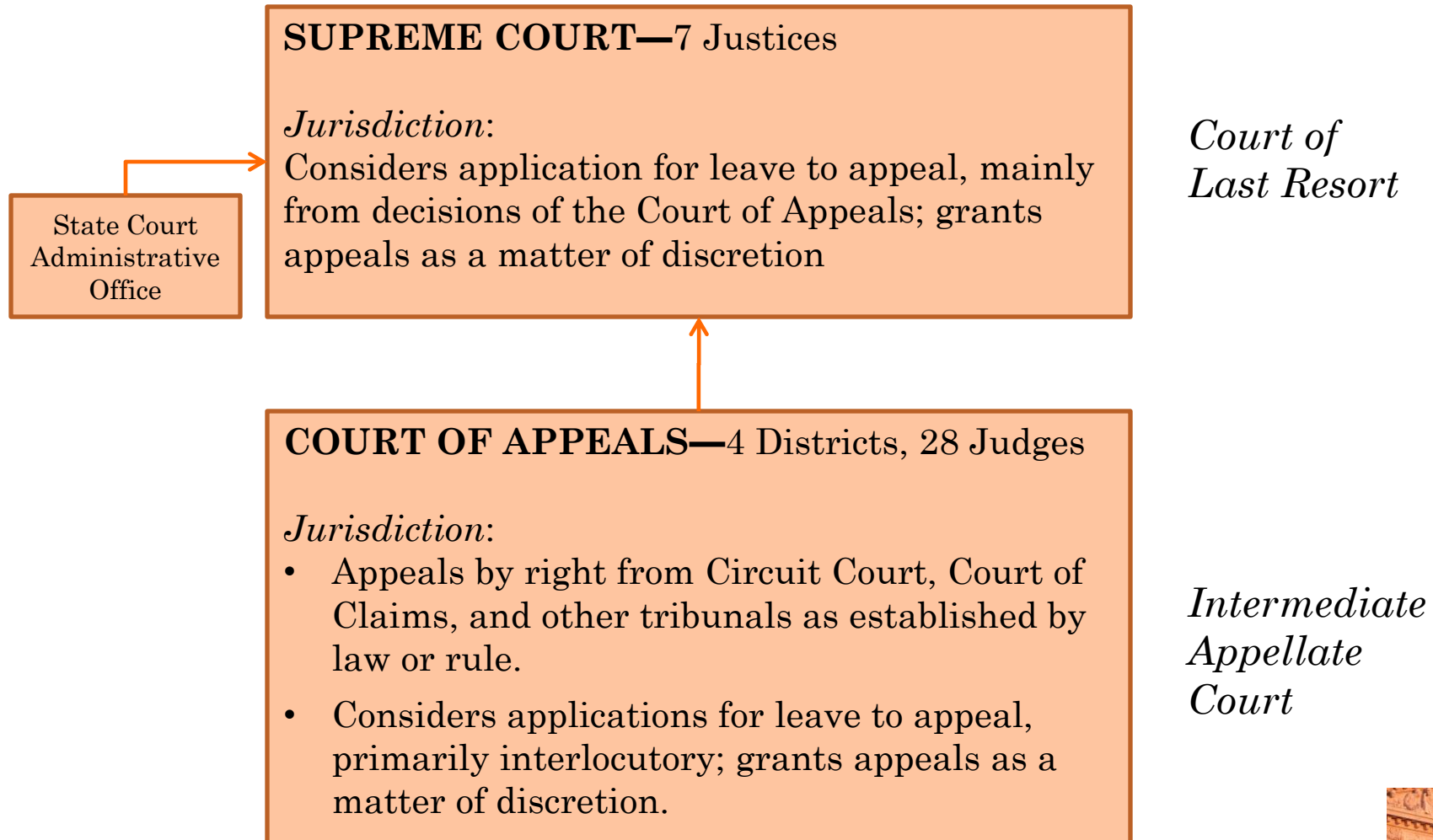
THE MICHIGAN JUDICIAL SYSTEM AND OVERVIEW OF THE ROLE OF THE JUVENILE PROBATION OFFICER



Michigan's concept of "One Court of Justice" was introduced in 1963 by Article VI, Section 1 of the Michigan Constitution. Under this principle, the judicial system functions as an integrated unit, consisting of one Supreme Court, one court of appeals, one trial court (known as the circuit court) and several trial courts of limited jurisdiction. Each court performs a certain role with the judicial system, according to the jurisdiction given to it by the Michigan Constitution or Legislature. This jurisdiction is briefly described on the following pages.



ORGANIZATION OF MICHIGAN'S JUDICIAL SYSTEM



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ORGANIZATION OF MICHIGAN'S JUDICIAL SYSTEM (CONTINUED)

SUPREME COURT—7 Justices

COURT OF APPEALS—4 Districts, 28 Judges

COURT OF CLAIMS

This is a function of the 30th Circuit Court (Ingham Co.)

Jurisdiction:

- Jurisdiction over claims and demands against the State over \$1,000 except where Circuit Court has jurisdiction. State Administrative Board has discretionary authority in claims under \$1,000.
- No jury trials.

CIRCUIT COURT

221 Judges

Jurisdiction:

- Equity: general civil over \$25,000
- Felonies
- Appeals from District and Probate Court, de novo or on record
- Administrative appeals
- Jury trials

FAMILY DIVISION

Division of Circuit Court

Jurisdiction:

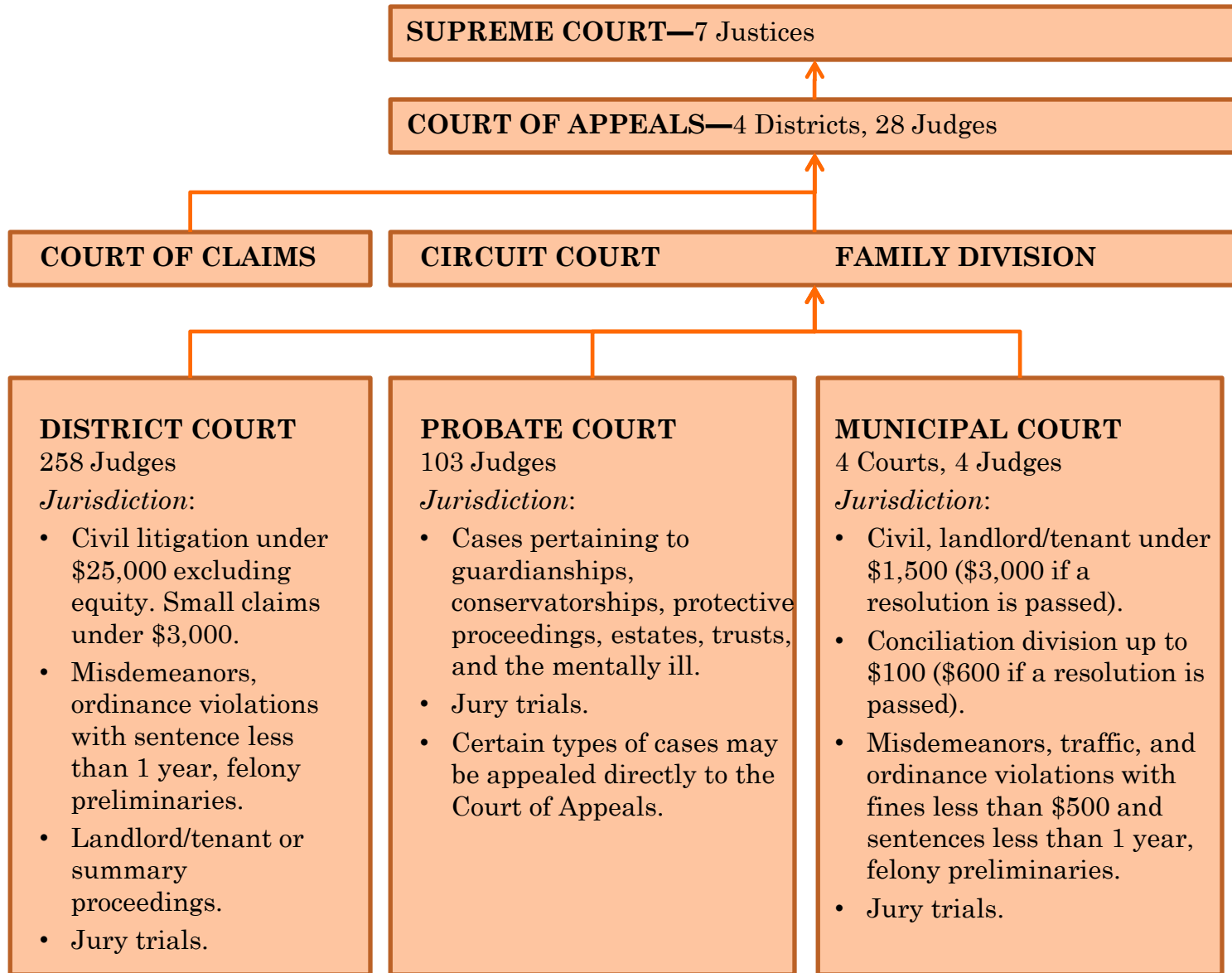
- Domestic relations
- Delinquency, child protective proceedings, and adoptions
- Ancillary jurisdiction for mental health, guardianship/conservatorship
- No jury trials for domestic relations or adoptions

*Courts of
General
Jurisdiction*

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ORGANIZATION OF MICHIGAN'S JUDICIAL SYSTEM (CONTINUED)



Courts of Limited Jurisdiction



Appellate Courts

THE SUPREME COURT

Is the highest court in the state hearing cases appealed to it from the Court of Appeals. The Supreme Court determines what cases it will hear.

The Supreme Court's three primary duties are:

1. Judicial (hearing/denying appeals);
2. General administrative supervision of all courts in the state; and
3. Establishing rules for practice and procedure in all courts of the state (Michigan Court Rules).

THE COURT OF APPEALS

The Court of Appeals was established by the 1963 Michigan Constitution as an “intermediate” appellate court between the Supreme Court and the Circuit Court. The jurisdiction of the Court of Appeals is established by state law, but its practice and procedure are governed by Supreme Court rule. The decision of the Court of Appeals is final, except for those which the Supreme Court reviews.



Trial Courts

CIRCUIT COURT: The circuit court is referred to as the trial court of general jurisdiction in Michigan because of its very broad powers. Circuit court has jurisdiction over all actions except those given by state law to another court. Generally speaking, circuit court has original jurisdiction in all civil cases involving more than \$25,000; in all criminal cases where the offense involves a felony or certain serious misdemeanors; and in all family cases and domestic relations cases such as divorce, paternity actions, juvenile cases, and adoptions.

The circuit court also hears cases appealed from lower courts and from some administrative agencies of state government. In addition, the circuit court has superintending control over other courts within the circuit, subject to final superintending powers of the Supreme Court.

FAMILY DIVISION: Part of the circuit court. The family division has exclusive jurisdiction over all family matters such as divorce, custody, parenting time, support, paternity, adoptions, name changes, juvenile cases, emancipation of minors, parental consent, and personal protection cases. The family division also has ancillary jurisdiction over cases involving guardianships and conservatorships and cases involving the mentally ill or developmentally disabled.



Trial Courts

COURT OF CLAIMS. Part of the 30th Judicial (Ingham County) Circuit Court. The Court of Claims has jurisdiction limited to hearing claims against the State of Michigan.

PROBATE COURT. The probate court handles wills, administers estates and trusts, appoints guardians and conservators, and orders treatment for mentally ill and developmentally disabled persons. A probate court serves each Michigan county.

DISTRICT COURT. The district court has exclusive jurisdiction of all civil litigation up to \$25,000 and also handles garnishments, eviction cases, land contract forfeitures, small claims and other cases. For criminal cases, the district court conducts preliminary examinations in felony cases and handles all misdemeanors where punishment does not exceed one year in jail including arraignment, sentence, and setting and acceptance of bail. Civil infractions are also handled in district court.

MUNICIPAL COURT. Municipal court civil jurisdiction is limited to \$1,500. Its criminal jurisdiction is similar to district court.

State Court Administrator. The position of State Court Administrator was created by the Michigan Constitution of 1963, Article VI, Sec 3. The State Court Administrator is charged with administering the state's trial courts, under the policies created by the Michigan Supreme Court.

In 1977 the Michigan Supreme Court created the Michigan Judicial Institute (MJI). MJI is the education and training arm of the Court.



The Role and Function of a Juvenile Probation Officer/Caseworker

The text of this manual addresses the myriad of functions performed by the probation officer/caseworker. As with the history of the juvenile court, the role and function of a probation officer has changed over the years. Minimum requirements for juvenile probation officers/caseworkers were established by the Michigan Supreme Court in 1985 through Administrative Order 1985-5. The AO has been amended over the years and presently reads:

C. Direct Services: Probation Officers/Casework Staff: The professional staff who work directly with children and their families and other relevant individuals and who are primarily responsible for the development, implementation, and review of plans for children, youth, and their families.

Each county shall provide for a minimum of one delinquency probation officer/casework staff person (but exclusive of clinical staff and detention home personnel) for every 6,000 (or major fraction thereof) children under 19 years of age in the county.



The Role and Function of a Juvenile Probation Officer/Caseworker

A probation officer/caseworker, at the time of appointment, shall possess the following qualifications:

1. Education and Experience

a. Desired Standards

- (1) Bachelor's degree in social work, criminal justice, education, behavioral sciences, or a related field that qualifies the person to manage or supervise the delivery of juvenile services, with two years of casework experience in juvenile court or a related child welfare agency and must complete the Michigan Judicial Institute certification training for juvenile court staff within two years after date of employment.

b. Minimum Standards

- (1) Bachelor's degree in social sciences, education, a related human service field, or a related field that qualifies the person to manage or supervise the delivery of juvenile services, and must complete the Michigan Judicial Institute certification training for juvenile court staff within two years after date of employment.



The Role and Function of a Juvenile Probation Officer/Caseworker

A probation officer/caseworker, at the time of appointment, shall possess the following qualifications:

1. Education and Experience (*continued*)

c. Knowledge, Skills, and Abilities

- (1) Knowledge of the principles and methods concerned with personal and social problem solving;
- (2) Knowledge of factors concerned in delinquency, neglect and abuse of children;
- (3) Knowledge of family dynamics and the effects of social conditions on family functioning;
- (4) Knowledge of the juvenile justice system and children's services programs;
- (5) Knowledge of the principles, procedures and techniques of child welfare work;
- (6) Ability to apply social casework methods to child welfare services;
- (7) Ability to develop child welfare programs with community organizations;
- (8) Ability to relate effectively to the public and individuals on their caseload; and
- (9) Ability to speak and write effectively.



The Role and Function of a Juvenile Probation Officer/Caseworker

While individual job descriptions vary, there appears to be across-the-board agreement on the following categories:

Administrative:

- Performs all assigned duties relating to cases scheduled for appearance in court;
- Plans office activities, conferences, and field visits in connection with investigation and supervision functions;
- Maintains accurate and up-to-date case records in a neat and legible form;
- Prepares and submits reports on the status of individual caseload;
- Gathers and evaluates data pertinent to individual cases in connection with both investigation and supervision. Such data may include information about the offender's home, school, church, neighborhood, and about relevant social agencies; and
- Following court policy has responsibility for monitoring payment orders of the court, e.g., restitution, fines, orders, etc.



The Role and Function of a Juvenile Probation Officer/Caseworker

While individual job descriptions vary, there appears to be across-the-board agreement on the following categories:

Casework and Interviewing:

- Conducts interviews with assigned cases to determine and clarify probationer problems; suggests constructive methods for addressing such problems; and consults with supervisor when necessary;
- Contact public and private community agencies to secure their aid in attempting to solve probationer's problems. Continuing and ongoing relationships with agencies are expected;
- Following a thorough and complete evaluation; refers probationers to community agencies that offer specialized services that are required for a particular individual's needs;
- Contacts collateral sources for information to evaluate or verify current information on probationer's adjustment;
- Establish an ongoing relationship with probationers in order to carry out the orders of the court; and
- Use special skills and techniques that may be necessary in the performance of his/her duties.



The Role and Function of a Juvenile Probation Officer/Caseworker

While individual job descriptions vary, there appears to be across-the-board agreement on the following categories:

Enforcement:

- Enforces all orders handed down by the court;
- Carefully documents facts and testifies in court with respect to the probationer's activities, behavior and quality of adjustment while under supervision;
- Brings alleged violations of the probationer to the attention of the court and/or brings a probationer before the court as required; and
- Determines when circumstances warrant modification of court orders and initiates the necessary action to procure a decision by the court on such modification.

Investigations:

- Conduct investigations, prepare appropriate reports focused on the "why" of the individual's behavior, and makes recommendations based on these investigations.



The Role and Function of a Juvenile Probation Officer/Caseworker

While individual job descriptions vary, there appears to be across-the-board agreement on the following categories:

Public Relations:

- Represent the judges, chief probation officer, and other court officials in many phases of meeting the public;
- Perform various public relations activities, such as addressing community groups, participating in conferences, panels, etc., of other agencies; and
- Play an important part as consultant in the social planning of the community.

Additional Assignments:

- Perform such other duties as may be directed by the chief judge, court administrator, or chief probation officer in accordance with the needs of the court.



The Role and Function of a Juvenile Probation Officer/Caseworker

Probation Officer's Authority to Carry a Concealed Weapon:

There is no provision in the juvenile code authorizing a juvenile probation officer/caseworker to carry a concealed weapon as part of their professional responsibilities.

While MCL 28.421 *et seq.* allows Michigan residents to carry a concealed weapon, MCL 28.425 identifies premises on which carrying concealed weapon is prohibited. This list includes schools, hospitals, churches, entertainment facilities, etc. If a juvenile probation officer/caseworker carries a concealed weapon on such premises, they subject themselves to possible criminal penalties. Courts must carefully assess the need for, and specifically clarify the circumstances under which, staff may carry a concealed weapon during the performance of their professional duties.

